

right to hold in obedience to their will, and to laws he: made by them, the other two-thirds, who, with themselvi pose the present mass of adults? If they have not, w The dead? But the dead have no rights. They are r and nothing cannot be something. Where there is no su there can be no accident. This corporeal globe, and eve upon it, belongs to its present corporeal inhabitants, their generation. They alone have the right to direct the concern of themselves alone, and to declare the law direction; and this declaration can only be made by tl jority. That majority, then, has a right to depute rep tives to a convention, and to make the Constitution wl think will be the best for themselves. (To Samuel Ke 1816. C. VII., 14-16.)

THE CONSTITUTION.—The radical idea of the characfo Constitution of our government, which I have adopted ; in cases of doubtful construction, is, that the whole government is divided into two departments, domestic ; eign (the States in their mutual relations being of the that the former department is reserved exclusively to spective States within their own limits, and the latter ; to a separate set of functionaries, constituting what called the foreign branch, which, instead of a Federal established as a distinct government *quoad hoc*, actinj domestic branch does on the citizens directly and co that these departments have distinct directories, co-(and equally independent and supreme, each within sphere of action. Whenever a doubt arises to which branches a power belongs, I try it by this test. I rec< case where a question simply between citizens of the sar has been transferred to the

foreign department, except inhibiting
tenders but of metallic money, and
ex post legislation. The causes of these
singularities are well berecl. (To
Edward Livingston, 1824. C. VII.,
342.]

CONSTITUTIONALITY.—Whether the
judges are invest exclusive authority
to decide on the Constitutionality •
has been heretofore a subject of
consideration with rr